

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-28-RJC-DSC**

**ATLANTIC BROADBAND FINANCE,)
LLC,)**

Plaintiff,)

v.)

**EQUINOX GLOBAL)
TELECOMMUNICATIONS, INC. and)
LADONNA MARTIN,)**

Defendants.)

ORDER

THIS MATTER comes before the Court sua sponte in response to Plaintiff's Affidavit Confirming Diversity of Citizenship. (Doc. No. 9). On February 22, 2016, the Court issued an Order directing Plaintiff to amend its Complaint and/or file an affidavit(s) to make a prima facie showing of complete diversity of citizenship. (Doc. No. 8). Plaintiff responded to the Order by filing its Affidavit on March 2, 2016; however, the Affidavit fails to make a proper showing of complete diversity.

For diversity purposes, the citizenship of a limited liability company ("LLC") is the citizenship of each of its members. Gen. Tech. Applications, Inc. v. Exro Ltda, 388 F.3d 114, 121–22 (4th Cir. 2004). In other words, the citizenship of an LLC is not the state in which it is organized or has its principal place of business, but rather, each of the states in which its members are citizens. Furthermore, when an LLC has, as one of its members, another partnership or LLC, the citizenship of the LLC must be traced through however many layers of

members there may be in order to determine its citizenship. Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 420 (3d Cir. 2010); Catawba Hardwoods & Dry Kilns, Inc. v. Advanced Lab Concepts, Inc., No. 1:10CV151, 2010 WL 2889576, at *1 (W.D.N.C. July 22, 2010).

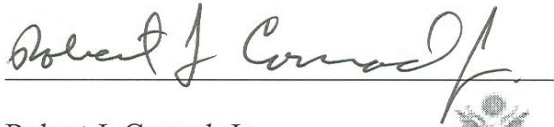
Therefore, in order to establish its citizenship, Plaintiff must allege the identities and citizenship of each of its members, and, for any such member that is also an LLC, Plaintiff must identify the identities and citizenship of its respective constituent members until all such constituents are fully identified. Specifically, Plaintiff must further allege the identity and citizenship of each member of Atlantic Broadband Holdings I, LLC. Furthermore, if any member of Atlantic Broadband Holdings I, LLC is another partnership or LLC, Plaintiff must allege the citizenship of that LLC and so on until every constituent is fully identified.¹

IT IS, THEREFORE, ORDERED that Plaintiff shall amend its Complaint and/or file an affidavit(s) to make a prima facie showing of complete diversity of citizenship within **fourteen (14) days** of this Order, including the citizenship of any member that is also an LLC. All case deadlines, including Defendants' time within which to answer or move with respect to the Complaint, are stayed pending Plaintiff's response to this Order. All proceedings are stayed, including Plaintiff's Motion for Preliminary Relief, (Doc. No. 6). If, upon review of an amended complaint or other filing, the Court determines that it possesses subject matter jurisdiction, the action will proceed, and the Court will address Plaintiff's Motion for Preliminary Relief.

¹ The Court also notes that, for diversity purposes, "a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business" 28 U.S.C. § 1332(c).

Alternatively, if subject matter jurisdiction is lacking, the case will necessarily be dismissed without prejudice.

Signed: March 3, 2016

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

